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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHIRLEY MAXINE SMART, et al.,

Plaintiffs,

v.

CARRIER CORPORATION,

Defendant.

) Case No. C10-03353

)

) **JOINT STIPULATION IN**

) **ACCORDANCE WITH CIVIL L.R. 6-2**

) **AND 7-12 REQUESTING**

) **ENLARGEMENT OF TIME TO FILE**

) **ADR CERTIFICATION IN**

) **ACCORDANCE WITH CIVIL L.R. 16-8**

) **(b) AND ADR L.R. 3-5 (b);**

)

) Complaint Filed: June 30, 2010

Plaintiff, Shirley Maxine Smart, Individually and as Successor-In-Interest to Lawrence Smart, Deceased ("Plaintiff"), and Carrier Corporation ("Defendant") enter into this stipulation in accordance with Civil L.R. 6-2 and 7-12 requesting enlargement of time to file ADR Certification in accordance with Civil L.R. 16-8 (b) and ADR L.R. 3-5 (b). This court's order Setting Initial Case Management Conference provided a deadline of October 15, 2010 to meet and confer regarding initial disclosures, early settlement, ADR Process selection, and discovery plan. In addition, the order provided a deadline of October 15, 2010 to file the Notice of Need for ADR Phone Conference and ADR Certification signed by Parties and Counsel. Counsel for Plaintiff and Defendant have met and conferred in accordance with the Order Setting Initial

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JOINT STIPULATION IN ACCORDANCE WITH CIVIL L.R. 6-2 AND 7-12 REQUESTING ENLARGEMENT
OF TIME TO FILE ADR CERTIFICATION IN ACCORDANCE WITH CIVIL L.R. 16-8(b)
AND ADR L.R. 3-5(b)

Case Management Conference and ADR Deadlines. Plaintiff and Defendant are simultaneously filing the Notice of Need for ADR Phone Conference with this stipulation. However, Plaintiff and Defendant need additional time to obtain each parties signature on the ADR Certification by Parties and Counsel form. Counsel for Plaintiff has attempted to contact Mrs. Smart on numerous occasions to obtain the necessary signature on the ADR Certification by Parties and Counsel form, but has been unsuccessful. Both Plaintiff and Defendant are working diligently to obtain the necessary signatures in accordance with this court's request. Plaintiff and Defendant respectfully request until Friday, October 29, 2010 to provide the signed ADR Certification by Parties and Counsel form. This is the first request for time modification in this case by either stipulation or court order. As this court is aware, the Initial Case Management Conference is scheduled on November 5, 2010. Plaintiff and Defendant do not believe the request for enlargement of time to provide the signed ADR Certification by Parties and Counsel form will effect the current schedule for this case.

Plaintiff and Defendant respectfully request the court's approval to this Joint Stipulation in Accordance with Civil L.R. 6-2 and 7-12 for Enlargement of Time to File ADR Certification in Accordance with Civil L.R. 16-8 (b) and ADR L.R. 3-5 (b).

Dated: October 15, 2010

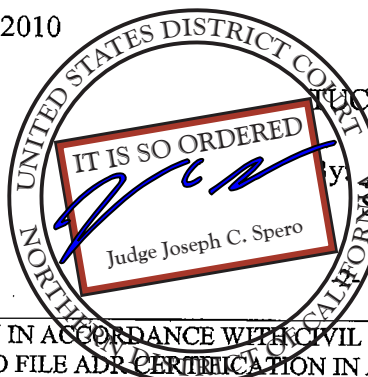
BARON & BUDD, P.C.

By: 

Celeste Evangelisti

Dated: October 15, 2010

Dated: 10/18/10



TUCKER ELLIS & WEST LLP


Sara K. Beede

JOINT STIPULATION IN ACCORDANCE WITH CIVIL L.R. 6-2 AND 7-12 REQUESTING ENLARGEMENT OF TIME TO FILE ADR CERTIFICATION IN ACCORDANCE WITH CIVIL L.R. 16-8(b) AND ADR L.R. 3-5(b)